

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MATTHEW ENTERPRISE, INC.,  
Plaintiff,  
v.  
CHRYSLER GROUP LLC,  
Defendant.

Case No. [13-cv-04236-BLF](#)

**ORDER GRANTING DEFENDANT'S  
MOTION TO FILE INFORMATION  
UNDER SEAL**

Before the Court is Defendant's administrative motion to file under seal portions of its Partial Motion to Dismiss and Exhibit 1 thereto ("Motion to Seal," ECF 55), pursuant to Civil Local Rule 79-5(d). Defendant seeks to seal portions of these two documents because they reference confidential information concerning an agreement between Defendant and a third-party. (*Id.* at 2) Plaintiff submits a declaration in support of the requested sealing ("Nagel Decl."). (ECF 55-1) Because Plaintiff's declaration offers a compelling reason to seal portions of the Partial Motion to Dismiss and Exhibit 1 to the Motion, the Court GRANTS Defendant's Motion to Seal.

Courts recognize a "general right to inspect and copy public records and documents, including judicial records and documents." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Two standards govern motions to seal documents, a "compelling reasons" standard, which applies to most judicial records, and a "good cause" standard, which applies to "private materials unearthed during discovery." *Cf. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). A party that seeks to seal portions of a motion to dismiss, and portions of any supporting documents, must meet the "compelling reasons" standard articulated in *Phillips*.

In this case, the declaration filed with Defendant's Motion meets the compelling reasons

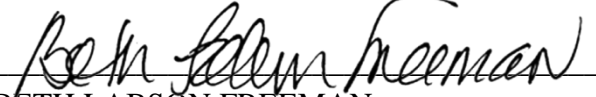
standard. Defendant cites facts to the Court regarding the reasons disclosure of this information could “competitively disadvantage Chrysler in future negotiations with other dealers” if the terms of the agreement in question were to be made public. (Nagel Decl., ECF 55-1 at ¶ 3)

Defendant has filed with the Court a public, redacted version of the Partial Motion to Dismiss (ECF 55-3) as well as Exhibit 1 to the Partial Motion to Dismiss (ECF 55-5), consistent with Civil Local Rule 79-5(d)(1)(C), and seeks only to seal the information related to the confidential information in question. As such, Defendant’s request is appropriately narrowly tailored.

For the foregoing reasons, the Court GRANTS Defendant’s Motion to Seal, and permits Defendant to file under seal portions of its Partial Motion to Dismiss and Exhibit 1 thereto.

**IT IS SO ORDERED.**

Dated: September 2, 2014

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California